

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JOHN H. TAYLOR,)	
)	
Plaintiff,)	
)	
v.)	No. 1:23-cv-00974-TWP-MG
)	
JAY HUDSON,)	
ED ROACH,)	
)	
Defendants.)	

**ORDER DENYING MOTION FOR SUMMARY JUDGMENT
WITHOUT PREJUDICE AND RESETTling DEADLINES**

Pro se Plaintiff John H. Taylor ("Taylor") initiated this action on June 2, 2023, alleging that while he was incarcerated at the Parke County Jail, Defendant Jay Hudson ("Hudson") subjected him to excessive force and Defendant Ed Roach ("Roach") failed to intervene on his behalf. (Dkt. 1). Since he filed this action, Taylor has been held in various jails, his address has changed several times and periodically mailings to Taylor have been returned as undeliverable. (*See* Dkts. 10, 14, 19, 23, 24, 50, 48, 53, and 56). On July 2, 2024, Defendants filed a Motion to extend the summary judgment deadline which the Court granted, noting the motion for extension of time was unopposed. (Dkts. 39, 47). Defendants' Motion for Summary Judgment, Notice of Manual Filing (a video) and Notice to Plaintiff Regarding Right to Respond (Dkts. 42, 44, 45), were filed on July 12, 2024, however, the copies mailed to Taylor were returned as undeliverable. The Court recently notified the Defendants that the video evidence they filed on July 12, 2024 was filed in a format that does not comply with the Local Rules. (Dkt. 58). The defendants have filed notice of their intent to refile the video in the proper format. (Dkt. 59).

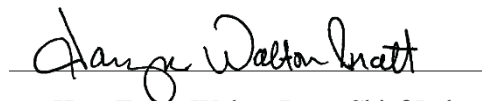
On December 12, 2024, Taylor provided notice of a change of address (Dkt. 57) and requested copies of the docket sheets. Those copies were mailed by the Clerk, and the copies have not been returned as undeliverable.

In the interest of justice, and for the orderly progression of this case, the Court believes the deadlines in this case should be restarted. Accordingly, the Defendants' Motion for Summary Judgment, Dkt. [42], is **denied without prejudice**. The defendants will have **through February 14, 2025**, to refile their Motion for Summary Judgment. All briefs, designated evidence (including the properly formatted video), and notice of right to respond must be served on Taylor at his current address. Thereafter, Taylor will have 28 days to file and serve a copy of his response, if any, to the motion for summary judgment. Defendants may file a reply brief within 14 days after a response is served. The parties should anticipate no extensions of these deadlines.

In addition, Taylor's failure to promptly notify the Court of any future change of address will not be tolerated and may result in dismissal of this case for failure to prosecute.

IT IS SO ORDERED.

Date: 1/28/2025



Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana

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